

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00198-MOC

JAMES STANLEY CALDWELL,)
)
 Petitioner,)
)
 Vs.) ORDER
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

THIS MATTER is before the court on respondent's Motion to Lift Stay and Accept Response as Timely Filed (#7) and joint Motion for a Time Served Sentence (#8). It appearing that petitioner is entitled to the relief he seeks in his Petition for the reasons provided in the joint Motion for a Time Served Sentence, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that

(1) The respondent's Motion to Lift Stay and Accept Response as Timely Filed (#7) is **GRANTED**, and the court accepts such as the government's Response filed *nunc pro tunc*;

(2) The joint Motion for a Time Served Sentence (#8) is **GRANTED**;

(3) Petitioner's Motion to Vacate (#1) is **GRANTED**;

(4) Petitioner is **ORDERED RELEASED** from the custody of the United States Bureau of Prisons and/or the custody of the U.S. Marshals Service. To allow the Bureau of Prisons/United States Marshal/Pretrial Services adequate time, such are allowed up to ten days to comply with this Order.

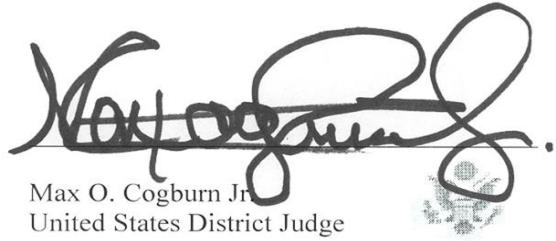
(5) Petitioner's period of supervised release is reaffirmed and shall remain in place. As agreed to by the petitioner and respondent, the terms of supervised release are modified to include a condition of supervised release that provides the Probation Office with discretion to direct that petitioner serve up to six months of his supervised release term in a Residential Reentry Center or Half-Way House as petitioner has not had the opportunity to participate in a halfway-house program within the BOP, which is beneficial in making a successful transition into the community.

The following additional condition of supervised release is, therefore, imposed:

XXX. The defendant shall submit to the local Residential Reentry Center for a period of up to six months, with work release, at the direction of the U.S. Probation Officer. The defendant shall abide by all of the rules and regulations established by the facility until released.

The Clerk of Court shall certify copies of this Order to the U.S. Bureau of Prisons, U.S. Marshals Service, and the U.S. Probation and Pretrial Services Office.

Signed: September 13, 2016



Max O. Cogburn Jr.
United States District Judge